



TOWN OF NEW WINDSOR
OFFICE OF THE PLANNING BOARD
TENTATIVE AGENDA
WEDNESDAY - JANUARY 16, 2008 -- 7:30 PM -

REORGANIZATION MEETING

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED:

SEPTEMBER 26, 2007 ; OCTOBER 10, 2007;
OCTOBER 24, 2007; NOVEMBER 14, 2007

ANNUAL MOBILE HOME PARK REVIEW:

- a. HILL & DALE MOBILE HOME PARK - SQUARE HILL RD. (HERSCHEL)

PUBLIC HEARINGS:

1. NEW WINDSOR SENIOR HOUSING (07-01) RT. 32 (PIETRZAK & PFAU) Proposed development of 91 Totally Affordable Senior Housing units.
2. MANGIARACINA SUBDIVISION (05-17) TOLEMAN ROAD (TACONIC)
Proposed 4-lot Residential Subdivision

REGULAR ITEMS:

3. JOSEPH FUMAROLA (07-17) RT. 207 (YANOSH) Proposed two-lot residential subdivision.
4. KNOX VILLAGE SENIOR PROJECT (08-01) Proposed senior housing project.
(JACOBOWITZ & GUBITS)

DISCUSSION:

5. SLEPOY - FORMERLY PIZZA HUT (Mike B.)
6. ARYAN INC. (Preet Deli.)- DISCUSS USE OF PORTION OF BLDG AS OFFICE (Mark E.)
7. GLOBAL (Mobil) RIVER ROAD - DISCUSS EXTENSION OF FILLING CANOPY (Mark E.)
8. THE GROVE - Authorization for Chairman to sign plans for O.C. Clerk filing

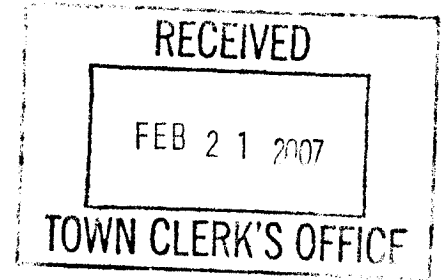
ADJOURNMENT

(NEXT MEETING - JANUARY 30, 2008)

January 16, 2008

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TOWN OF NEW WINDSOR
PLANNING BOARD
JANUARY 16, 2008



MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HOWARD BROWN
DANIEL GALLAGHER
HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

ABSENT: HENRY VAN LEEUWEN

REGULAR_MEETING:

MR. ARGENIO: I'd like to call to order the January 16, 2008 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

REORGANIZATION

MR. ARGENIO: Reorganization, we're going to start with the organization of the planning board so it's part of the public record. Does anybody have a nomination for chairman of the planning board for the 2008 calendar year 2008?

MR. SCHLESINGER: I make a motion to reinstate Mr. Argenio.

MR. BROWN: Second the motion.

MR. ARGENIO: Motion has been made and seconded that I be reinstated as chairman for another year. We'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	ABSTAIN

MR. ARGENIO: I would like to nominate Henry Van Leeuwen as vice chairman.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board reappoint Mr. Van Leeuwen as vice chairman of the planning board for 2008. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE

MR. GALLAGHER AYE
MR. SCHEIBLE AYE
MR. ARGENIO AYE

MR. ARGENIO: I'd like to make a motion to reappoint Neil Schlesinger as secretary for the planning board for 2008.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that Neil Schlesinger be appointed secretary for the New Windsor Planning Board for the calendar year 2008. Roll call.

ROLL CALL

MR. SCHLESINGER ABSTAIN
MR. BROWN AYE
MR. GALLAGHER AYE
MR. SCHEIBLE AYE
MR. ARGENIO AYE

MR. ARGENIO: I'd like to make a motion that we reappoint the firm of McGoey, Hauser & Edsall for services for the 2008 calendar year.

MR. SCHEIBLE: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion's been made and seconded that the Town of New Windsor Planning Board reappoint the firm of McGoey, Hauser & Edsall for the 2008 calendar year. Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE

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MR. GALLAGHER AYE
MR. SCHEIBLE AYE
MR. ARGENIO AYE

MR. ARGENIO: Do you accept, Mark?

MR. ESDALL: Thank you very much, appreciate the offer.

MR. ARGENIO: I'll make the same motion that we retain the services of the firm Drake Loeb with Dominic Cordisco as their representative for the Town of New Windsor Planning Board for the 2008 calendar year.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. SCHEIBLE AYE
MR. ARGENIO AYE

MR. ARGENIO: I'd like to make a motion that we retain the services of Franny as the stenographer again.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we retain the services of Fran again for another year.
Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. SCHEIBLE AYE

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MR. ARGENIO AYE

MR. ARGENIO: That being said, welcome everybody to the first regular meeting of the Town of New Windsor Planning Board for January 16, 2008.

APPROVAL_OF_MINUTES_DATED: __SEPTEMBER_26,_2007,__OCTOBER

10,_2007,__OCTOBER_24,_2007_&_NOVEMBER_14,_2007

MR. ARGENIO: Has everyone had a chance to look at the minutes of September 26, 2007, October 10, 2007, October 24, 2007 and November 14, 2007? I'll accept a motion if anybody sees fit that we accept those minutes as written or if somebody has an idea for a change?

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we accept those minutes that I just read the dates of as written. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. SCHEIBLE AYE
MR. ARGENIO AYE

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ANNUAL_MOBILE_HOME_PARK_REVIEW:

HILL_&_DALE_MOBILE_HOME_PARK

MR. ARGENIO: Mobile home park review, Hill & Dale
Mobile Home Park, Square Hill Road. What's your name?

MR. HERSCHEL: Joe Herschel.

MR. ARGENIO: Mike, has somebody from your office been
out to take a look around?

MR. BABCOCK: Yes, we have, Mr. Chairman, and
everything is fine there.

MR. ARGENIO: Everything is good?

MR. BABCOCK: Yes.

MR. ARGENIO: Do you have a check made out for the
benefit of the Town of New Windsor Planning Board for
\$150?

MR. HERSCHEL: Yes.

MR. ARGENIO: Great. Boy, this is really going like
clockwork today. You can give that to Myra. I'll
accept a motion that we grant them one year extension
if somebody sees fit.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that
the Town of New Windsor Planning Board grant the Hill &
Dale Mobile Home Park on Square Hill Road one year
extension. I'll have a roll call.

ROLL CALL

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MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, sir.

MR. HERSCHEL: You're welcome.

PUBLIC_HEARINGS:

NEW_WINDSOR_SENIOR_HOUSING_(07-01)

MR. ARGENIO: We have two public hearings this evening, first public hearing is New Windsor Senior Housing on Route 32 in Vails Gate. Somebody here to represent this? Do you have plans for us?

MS. MASON: Yes.

MR. ARGENIO: This application proposes development of 96 one bedroom senior citizen housing units on the 4.1 acre parcel. The application was previously reviewed at the 24 January, 2007 meeting, 12 September, 2007 meeting and 14 November, 2007 planning board meetings. The application is before the board tonight for a public hearing. I see Mr. Mendelbaum is here to represent this. Is there a set of plans for Mr. Mendelbaum to put up?

MR. BABCOCK: I can offer him one.

MR. ARGENIO: On the easel so the public can have the benefit of seeing this. We've seen this all a few times. Mr. Mendelbaum, would you please take a moment and give us a brief description of some of the changes that have been made since the last time you've been here? Okay, yeah, turn it that way, Mr. Mendelbaum, just go through quickly, we've seen this quite a few times, I've seen it many, many times. I'd like you to just tell us some of the things, the changes that have been made as this plan has come forward the changes that the fire inspectors have compelled you to do to make this thing safe and some of the things that the engineer has directed for the benefit of the public please and then we'll comment on it and then we'll open it up to the public.

MR. MENDELBAUM: Okay, I can just give you a

background, we have, we received numerous comments from your engineer, we have met with your engineer recently also at his office, all the comments recommended by the engineer have been implemented on the plan and have been changed to his satisfaction I assume, I didn't hear anything else.

MR. ARGENIO: Is that correct, Mark?

MR. EDSALL: Yes, there's couple items I want to go over but I'll wait until he's done.

MR. MENDELBAUM: As far as the units themselves are they're all for the benefit of the public I see some seniors here all going to be one bedroom apartments, all individually with central heat and hot water done by themselves, all going to be total affordable senior housing under the new zones implemented by the Town of New Windsor and that particular project once it's done will be going to the State of New York Division of Housing for additional review and approval.

MR. ARGENIO: What do they review the Division of Housing?

MR. MENDELBAUM: They review first of all the site plan, then they review the building, then they review income, then they review market study, then they review feasibility study, then they review income level within the region, and so on and so on.

MR. ARGENIO: Do they review the Division of Housing do they review the appurtenances that are in the area?

MR. MENDELBAUM: Absolutely, one of the big criteria is location, they actually had the site architect from their division actually comes to the site to review and make sure there's like which ideally there's a pharmacy right next door, there's across the street there's a shopping center, there's stores, there's amenities

within walking distance. That's one of the things they look for, one of the big criteria they look for location which obviously in this location is ideal for that particular use cause a lot of the seniors here will not have cars, when you deal with income criteria like that we found it to be where they don't have actually I'll say at least 50% of the people will not have cars.

MR. ARGENIO: I want to open it up to the public. We've seen this quite a few times. I've seen it many, many times and I want to, if anybody has any questions I want them to have a chance to ask the questions. Where is the notice of the public hearing? On the 27 of December, 2007, 114 addressed envelopes went out containing the--that's got to be a record, no?

MS. MASON: Close.

MR. ARGENIO: -- 114, that's a lot, addressed envelopes containing public hearing notice for this application. List was provided by the assessor's office regarding the mailing but if somebody in the audience is here to speak for or against or just ask a question on this project please raise your hand, I will recognize you, you'll be given a chance to speak and next person will speak. Ma'am, would you please come up, give me your name and address for the benefit of the stenographer and whatever questions you have just come to the center so we can hear you?

MS. O'DONNELL: My name is Audry O'Donnell and my address is 810 Blooming Grove Turnpike, it's Kingswood Gardens, 102, I just have a couple of questions. This is the first time I've seen any plans at all, I want to know where exactly is it going to be located? They're saying in back of the firehouse but where?

MR. BABCOCK: There's a picture right there.

MR. MENDELBAUM: If you come right here this is the firehouse, this is RAL Plumbing, this is the pharmacy, the entrance right here and this is the actual location.

MS. O'DONNELL: The entrance is on 32, that's what I wanted to know. Am I correct, there's no entrance or egress onto 94?

MR. MENDELBAUM: You're correct.

MS. O'DONNELL: Thank God because I'm concerned about traffic also, I won't be living there but as a senior.

MR. MENDELBAUM: Why not?

MS. O'DONNELL: Why not? I could.

MR. MENDELBAUM: You could be the first tenant.

MS. O'DONNELL: I could well qualify but my point is this, I'm speaking for seniors, I have a car and I drive everywhere, even to Virginia, but my point is a lot of people that don't have cars in Kingswood have a difficult time walking because there's so sidewalks in New Windsor. Will there be sidewalks for these people to walk? I'm dead serious.

MR. ARGENIO: Let me answer that question and the reason I'm going to answer it is because I personally specifically went out there three days ago to measure the width of the sidewalk on 32. We had a comment from the county that we had received that was not specifically that inviting relative to the pedestrian access. I measured the sidewalks on 32, they're a full seven feet wide, let me finish, which is almost double what we require in this town. And one of the requirements that the applicant had to meet, ma'am, from the beginning was he had to figure out a way to bring the sidewalk for the residents of the facility up

to 32 so that residents can access that sidewalk and safely go to Rite-Aid or Wendy's or the bank or whatever they want to do. Does that answer your question?

MS. O'DONNELL: Cause besides--

MR. MENDELBAUM: You actually can see this.

MS. O'DONNELL: From the building to 32 number one and number two, I drive every place but I'm speaking, I care about the people where I live, a lot of them don't drive ever, even worse shape they're on crutches and canes and stuff like that. So my heart goes out the them. If I pop into Rite-Aid and pick up some milk it's not a problem, I go out with the car, I can even cut through the back of the station because of the grass. But some people can't do that and I'm saying oh my God, what happens if they're walking out of the Rite-Aid which is now so crowded since Eckard's moved and they merged with them, there's little enough room, it's very hard to cross there. So I'm concerned, I'm saying oh my God, these people, I won't be one of them by the grace of God but how are they going to get across safely because they have to cross over to go to Shop Rite especially if they don't have cars they have to go. So that's my concern long term, that's my story, okay, thank you.

MR. ARGENIO: Again, what I'd like to do is, ma'am, what I'd like to do is I'd like to put the plan on the board and this gentleman wants to ask a couple of questions and that's fine and then ma'am I'd like you to take after he asks his questions I'd like to invite you up to take a closer look cause I don't want to rush you through because you seem to have some concerns. Go ahead.

MR. BRAUN: Leo Braun, New Windsor. I live up in Countryside Estates. First question is can everybody

first see this picture, I was hoping that's the reason why I was picking my hands up, can you raise it up a lot higher? I see it now but I don't think anybody else can.

MR. ARGENIO: Anybody wants to see it, Travis can pick it up, Leo, it's not a problem.

MR. BRAUN: Second question is I happen to see certain areas behind Rite-Aid, great, great, now I can move back somewhat, second thing is I see behind Rite-Aid and that other R-A-L if I'm not mistaken.

MR. ARGENIO: The plumbing place.

MR. BRAUN: They have a drainage system and water system, I don't know if you're aware of it, I know you had a job of starting with the new Shop Rite that was being done, there's supposed to be a culvert directly underneath from 300 all the way across to 32 and they had through Charlie's old market there when they were building up Rite-Aid and they were supposed to have the culvert creating a flow. It does not have a flow. I'd like to know how they are gonna have that flow into the stream and do they have enough acreage to have a continuous flow behind that property?

MR. ARGENIO: Go ahead, Travis. Just so you know, Leo, I want you to know that this question that you just asked was one of the most important questions that both Mr. Edsall asked and as you know my company did work on the other side, it's one of the things that I asked because I understand how that stream runs. So I hope he's got a good answer for it. And I think it's been resolved but certainly go ahead.

MR. EWALD: We did an analysis of the existing culvert which crosses Route 32 and then we took and we created a culvert which would allow us access across that Silver Stream into the site and the culvert that we're

proposing to place in there, the opening of it is a little bit larger than the opening of the existing culvert plus it's at a steeper slope and it will carry larger flows than the existing culvert so it will more than adequately pass all the water that it's receiving.

MR. ARGENIO: Mark?

MR. EDSALL: Yes, the original concern resulted in a submittal that we had some concerns about.

MR. ARGENIO: It was rejected, when he says we had concerns, that means they rejected it.

MR. EDSALL: It was a little less than the capacity that was equivalent to what was upstream, Mr. Mendelbaum worked with his engineer and they upsized the culvert so it was equal to or greater than the discharging culvert upstream.

MR. BRAUN: Present culvert?

MR. EDSALL: Correct, so it was a problem and it got fixed.

MR. ARGENIO: Mr. Braun, you had a second question?

MR. BRAUN: That's it, thank you.

MR. ARGENIO: Thank you. Anybody else have a question? Yes, sir?

MR. BIGG: My name is Joe Bigg, I live in Kingswood number 89. First of all, I want to commend everybody for the success in the future of this project, something that's been long overdue. I know my father with the senior citizens before he passed away it was something they had been working on for years to try to get this project through. My concern is something that I heard in the last couple weeks, with the standpoint

of the access for emergency vehicles, it's my understanding from the fire chief, I belong to the fire company that there will be no access for emergency vehicles on the back should God forbid a fire exist in the back of the building hose lines and ladders have to be carried because there won't be no access for emergency vehicles to the back of the building, is this true or not?

MR. ARGENIO: Let me, I'm not going to answer your question, somebody smarter than me is going to answer the question but I will tell you this that this board would not sign off on a project that the fire inspector rejected for lack of a better term. There have been a lot of discussions about fire access on this site and hopefully Travis or Mr. Mendelbaum or Mr. Babcock whoever can comment on this can share with you some of the--

MR. BIGG: I just heard it in the last couple weeks from the fire chief that we would have to carry ladders around the back and drag hose lines because there was in access for emergency vehicles to the back of the site or the back of the buildings.

MR. ARGENIO: Travis?

MR. EWALD: At a workshop meeting where we discussed it with the fire inspector it was requested that in lieu of the access road behind the buildings we're replacing a sidewalk behind the buildings so they could set up a ladder. There's also we have extended our pavement right through the property line and our property boundary's on the firehouse property and we have installed an emergency breakaway gate and it was requested we if could stabilize access onto the fire department's land which they have pavement that almost extends out to the pavement that we're proposing. It's my understanding that they would not even if we had provided an access road behind the buildings that they

would not take their vehicles behind the buildings because you have to be I believe the building height away from the building within a collapse zone so basically on their comments we provided the best protection that we could.

MR. ARGENIO: What we're balancing, Mr. Bigg, is the fact that the site is a really great location for seniors, as you acknowledged, we're trying to take this, I shouldn't say we, the applicant and our professionals within this town are trying to take that and balance it against something that can be acceptable to the firemen and they, we believe that we have arrived at something that is acceptable to everybody.

MR. MENDELBAUM: May I add something there that the building, I don't know if you're aware of it, the building has a hundred percent fully sprinklered system so I don't know if you're aware of that which also it connects on the outside of the building at the location that will be requested by the fire inspector.

MR. ARGENIO: Anybody else have any questions? Mr. Bedetti. This is our fire inspector.

MR. BEDETTI: Good evening, Mr. Chairman, I'm Francis Bedetti, I'm the fire inspector for the Town of New Windsor, just want to clarify one thing. The meeting that you had wasn't with the fire inspector, it was the Commissioner of the Vails Gate Fire District and they're the ones that had given you the authorization to put the sidewalk around the back of the building. I just wanted to make that clear. Thanks.

MR. ARGENIO: Anybody else have any questions?

MS. O'DONNELL: I'm still the same person, Audry O'Donnell. I'm so big on sidewalks because I'm thinking about maybe they can walk around the building, maybe they can go to Rite-Aid and buy the milk, the

seniors, okay. And the ones that can't drive have to walk across that God awful street to Shop Rite. There's no sidewalk there, you know what I'm saying, planning to put a building there without services around it that they can use but within walking distance, sidewalk distance. There's no place you can cross the street there and that's what I'm concerned about because I don't think it's a great location personally because it's so back so far, it's so hidden, it's so not accessible to people and I don't know, I mean, the people over in Knox Village that cross there over to the firehouse is murder as it is and they have sidewalks there but even they're, and at their age they're agile, young people, you see them crossing over to Shop Rite.

MR. ARGENIO: They have to be nimble. It's a good point you bring that up because there's a senior housing project that's proposed in that area as well and this is something that we'll certainly have to look at. Appreciate that.

MS. O'DONNELL: Ask anybody you know that lives in my place that doesn't drive and they're all like forget about it.

MR. ARGENIO: Anybody else?

MR. BRAUN: Just one quickly, I happen to be Leo Braun again, just a quick thing in reference to the town roads she's talking about and George has talked about it, Bill has talked about it, the town roads speed system, is this a perfect time to have the state itself or the county itself to help us with reviving from the 40 down to a 30 for this particular area?

MR. ARGENIO: Mr. Braun, that's a whole entirely different conversation and I will share with you some very brief insight because I think it's somewhat germane to this application. And Dominic or Mark if I

misspeak please interrupt me or Mike you were in that meeting as well. There is a push in this town to lower the speed limits in a lot of areas but the law would dictate that we just can't decide in an arbitrary fashion that we want to lower the speed limit on road X, Y or Z. There are things in the works right now to do some traffic studies and look at roads within the town. With that thought in mind, just that thought in the interest of lowering the speed limits, I don't want to go too far with it because it's not directly germane to this application but that's in the works. Is that right?

MR. CORDISCO: That's correct but it involves without getting into much detail it involves not only conducting a traffic study but also requires where the state DOT is involved, petition the state DOT supported by a traffic study calling for a reduction in speed so it's not--

MR. ARGENIO: Lot of other things when we change the speed limit of a road it's more than somebody just saying there's a dozen accidents, let's bang the gavel and we'll lower the speed limit. That's in the works for a lot of roads around the town, one of which Mr. Steidle lives on, quite frankly, but again, a different issue. Yes, ma'am?

MS. O'DONNELL: Last question, I swear to God. I just realized it when you said that I'm thinking you don't know that these seniors don't have cars or is it that they're not allowed to have cars because if they do how are they gonna egress and, you know, go in and out through 94 or through 32?

MR. ARGENIO: On 32, not 94.

MS. O'DONNELL: But even coming out they have to go next to the plumbing shop, that's going to be a tight squeeze because getting out of the Rite-Aid now.

MR. ARGENIO: That's the lawful access to that piece of property.

MS. O'DONNELL: Okay, just filing all these things.

MR. ARGENIO: Mr. Bedetti?

MR. BEDETTI: Frank Bedetti, Harth Drive, New Windsor. I have a question relative to the response that was made here with the, relative to the firemen and access to the back and the comment that the gentleman, the developer spoke with the district director from the fire companies, do they have to sign off on this or does the fire inspectors within the town sign off on it? And have the fire inspectors of the town fire inspection department actually signed off on this? I mean, the response to the question was who they spoke to, spoke to a director of the fire company. Do they have to sign off on this or does the inspectors department have to sign off?

MR. ARGENIO: I want Mark to answer that.

MR. EDSALL: I was not at the meeting that apparently a commissioner from the Vails Gate fire district gave an official determination that there was no need for the rear driveways but that's what I was advised came about as far as the fire inspector's office goes. The fire inspectors previously approved it and then upon re-review have now reapproved it but there are some corrections that need to be made that I'm fully aware of, Barney Bedetti and I met today to make sure that he brought me up to speed to exactly what had to be shifted, there are minor corrections.

MR. ARGENIO: Which we'll go over after the public hearing tonight.

MR. EDSALL: Yes, it was approved at this time.

MR. ARGENIO: Answer to your question is yes, Mr. Bedetti. Anybody else? Accept a motion to close the public hearing.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on the Mandelbaum application. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: To my fellow board members, we have seen this quite a few times, if anybody has any questions think about them for a little bit. I'm going to read through a couple of procedural things that Mark has commented on cause I want them as part of the record. The storm water pollution protection plan has been revised multiple times at this point, MHE's office takes no exception to the report that's currently on file. We have adopted a negative dec on this. There have been a tremendous amount of revisions done to this site plan, sidewalks, fire access, emergency gates, alignment changes, there have been a tremendous amount of modifications that this plan has been subject to. On the second page of Mark's comments there are a few fairly minor items that I will address. There's a sign issue, Pietrzak & Pfau. This sign is depicted as five foot length running parallel to state highway, I'm not sure what sign is proposed, a traffic sign, a project sign, but the entrance sign detail shown on drawing 7

there are some issues with it. Mark would like the sign to be, Mark and Mike would like it realigned, should be placed as far back in the little designated triangle area as possible, so as not to obstruct sight distance. On the breakaway gate, Mike, do we have a standard in this town? I know we have put these crash gates in before in different areas of the town, Barney's here too, I can ask him the question. Do we have a standard gate that we compel these developers to put in that has a certain kind of lock that the firemen and policemen have access to? I guess that question is to Barney or Mike.

MR. BABCOCK: I guess Barney, probably, I don't know of any standard but Barney may.

MR. EDSALL: It's always a steel swing gate with a chain and lock.

MR. BEDETTI: The actual width of the opening is governed.

MR. ARGENIO: And you tell them what to put in?

MR. BEDETTI: Yes.

MR. ARGENIO: What about the lock?

MR. BEDETTI: Most cases it's a chain and a lock.

MR. EDSALL: Many times the fire department has a standard lock they use on all the gates.

MR. BEDETTI: Most cases it will be a chain where they can just readily cut it off.

MR. ARGENIO: You'll tell them what to put in.

MR. BEDETTI: Yes, only thing governed by state fire code is the actual width from bollard to bollard.

MR. ARGENIO: You guys are okay with that?

MR. MENDELBAUM: Sure.

MR. EDSALL: The issue with the detail on the plan is that I know it's not going to work, they should eliminate that detail, just reference gate to be installed in accordance with fire inspector's field requirements.

MR. ARGENIO: You say things so succinctly.

MR. EDSALL: I've had a lot of practice.

MR. ARGENIO: Do you guys have any questions on this? There's one final thing I want to hit before we, I want to read this comment about the dumpster detail. I'm sure it's a typo, Travis, I'm sure read directly from Mark's comments. I'm sure you meant masonry block enclosure with brick veneer. Your plan shows a 6 foot high brick structure, so this will be masonry with brick veneer, you'll revise that detail to Mark's satisfaction?

MR. EWALD: Absolutely, already have, just waiting for any additional comments.

MR. ARGENIO: Again, nickel dime stuff, concrete slab of dumpster enclosure should be flush with ground elevation, seems to depict, seems above grade on crushed stone, fix the detail. Guys, Neil, do you have any question? We've seen this, Henry, one thing I want to hit and I'm going to try to do it in a briefest fashion that I can do it is these two letters from the county. Old set of comments, new set of comments. The second and most current set of comments seem to indicate that the applicant has conformed their plans to most of the requests of the county. I want to read this one thing for the benefit of you all. This

department county does not feel that the pedestrian facilities along 32 will provide safe enough access which needs to be afforded senior citizens. That's why I went out and measured the sidewalks cause I knew the sidewalks were wide, I don't know how wide, they are in fact seven feet wide and I will also offer this for the benefit of the members, that relative to the comments that the folks in the audience made tonight about pedestrian access, yes, I agree that that whole area is challenging, could be challenging to even the most fit person trying to get across that road but geographically this is a perfect spot for senior citizens. As Mr. Bigg said, there's been a need for housing for senior citizens in this town for a long, long time and they're finally getting the benefit of that but that doesn't mean it should be unsafe. Having said that, I will state two things, the applicant across the street, Mr. Rosenberg, who everybody knows has a very nice facility, it begins at Shop Rite at what road is that, Mike, Forge Hill?

MR. BABCOCK: Temple Hill Road.

MR. ARGENIO: And it runs north to Forge Hill Road, does a beautiful job at that place. He wants to do an application for the former Hollywood Video building and he has assured me, actually did assure me, he asked me, he was thrilled with the fact that the senior citizen housing facility is going in, this is proposed to go into this location. He's offered to pay for the improvements on 32 to help the people cross Route 32. You're aware of this, I think you're aware of this aren't you?

MR. BABCOCK: Yes.

MR. ARGENIO: So that's great and Jeff Rosenberg has been an asset to this town. I don't have to tell anybody, anybody who goes in his plaza, it's first class, first rate, maintained in a first rate fashion.

They plow the sidewalks, clean the place and he's certainly a good example of the type of owner/landlord we want in the Town of New Windsor. I didn't solicit that from him, he offered that to me, Jeff Rosenberg did so he's going to be filing an application for Hollywood Video, part of that will be a crosswalk on Route 32. Second thing I want to hit is this business about the bus shelter. One of the comments that the county also had that the owner and the county digress on a little bit is the presence of or not of a bus shelter on Route 32. I want to share some things for the benefit of the board members, I'm going to use the term I a few times because Mike did some research on this and I also did some research over the past week and a half because we want to come to the table with factual information. We don't want to highhandedly suggest to the members well, we think we don't need a bus shelter, we think we do, well, why do we need it, why don't we need it. The first thing the bus shelters are a nuisance around town in my opinion, that's the general consensus, they fall into a lack of maintenance, the leaks and windows in them they fade, they become yellow, they're a source of mischief, they get graffiti on them, they're problematic. This is my personal opinion, don't want our town littered with bus shelters, I don't like them. But again everybody here has their own opinion. Now, this is senior housing and there's been parking compromises here so there's going to be some bus traffic. Now Mike has done a lot of research. Briefly for the benefit of the members, can you share with us what you've discovered about the different bus lines that we have in New Windsor?

MR. BABCOCK: We have our own Dial-A-Bus Cornwall, New Windsor Dial-A-Bus, a bus that picks them up at their house.

MR. ARGENIO: Or at the vestibule of this building.

MR. BABCOCK: They call the day before I think it is.

MR. ARGENIO: Costs a dollar.

MR. BABCOCK: Sixty and over is 50 cents, there's some different rates and will take them pretty much in New Windsor Cornwall and the City of Newburgh for doctors' appointments, whatever. There also is a Leprechan Bus that's a local bus and they have two different ones, basically the same as the Dial-A-Bus, they call the day before, make the appointment, I think they're \$1.50 or 1.75 they come to your, right to the lobby, pick them up, small bus.

MR. ARGENIO: Right to the lobby of the building.

MR. BABCOCK: Eighteen passenger mini buses like we have here. And then there's another bus that goes through, basically makes a loop up 32 up 300 around back down 94, it makes stops at K-Mart, at Shop Rite, Price Chopper, Hannafords probably, I'm not sure of all the stops, that's a bus that probably wouldn't be used by these seniors. It's a bus that comes out of the Newburgh or wherever it goes and goes back through. So my research has shown that the buses that go right to the lobby would be much better choice for this in my mind than having a bus shelter somewhere for these people to try to hide in and wait for a bus. So that was my opinion.

MR. ARGENIO: I don't like the bus shelters, I don't like them. The only other thing and I'm going to suggest this and you guys can decide on it and, you know, I really can go either way on this quite frankly, the only other thing that I was thinking was these bus shelters are worth probably three or four thousand dollars installed, they're not very expensive, if you guys think it's necessary and I'm really on the fence about it, I really am on the fence, what I was thinking is maybe we want to request of the applicant that we don't require them to put the bus shelter in but that

we do require is for him to put a bond up in the amount of, pick a number, \$3,500 or \$4,000. I discussed this with Mark Edsall, he doesn't feel they're worth more than \$4,000, that way we'll have a bond in place so if I'm wrong, if we're wrong and the seniors they want this shelter we'll we have the means to request of the owner look, you need to put this shelter up. But if in the first 365 days from granting of a C.O. the Dial-A-Bus works fine, well, the Dial-A-Bus works fine, take your bond back and do whatever it is you do. Those are my two choices. Go ahead.

MR. SCHLESINGER: I don't understand where the issue with the shelter is arising. I mean, if you're having bus service which in essence is almost like a taxi service where somebody's coming to pick you up and you're making an appointment then I don't understand what the issue of the--

MR. ARGENIO: The only issue is this the Dial-A-Bus there's one bus service and I don't remember which one it is, the Newburgh Dial-A-Bus or something that goes to the Town of Newburgh where the Dial-A-Buss don't go to the Town of Newburgh, that's the only issue about--it's astute of you to say that cause that's exactly what I said, I don't understand what the issue was. That's the only issue.

MR. SCHLESINGER: I have another question and I know this is, I thought I knew the area like the back of my hand but I don't remember from the two banks on 32 by the car wash.

MR. SCHEIBLE: Old Temple Hill Road.

MR. SCHLESINGER: Going north to Newburgh to the end of the shopping center is there a light between there?

MR. BABCOCK: No.

MR. ARGENIO: There's a sidewalk on both sides.

MR. SCHLESINGER: Both ends there's a light. So my issue is is that whoever the owner of the shopping center is has graciously suggested that he will put in crosswalks and everything, how do people get across from one side to the other?

MR. ARGENIO: What's going to drive this to a great extent is what the DOT is going to allow them to put on 32 and we don't control that, the DOT controls it.

MR. SCHLESINGER: My next issue was it's out of our hands but to me that's the answer.

MR. SCHEIBLE: Nice to see something like when you walk up to a light you push a button.

MR. SCHLESINGER: Yeah, I'd hate to see somebody in a crosswalk with a walker trying to get across the street, doesn't make sense.

MR. ARGENIO: It's their highway and--

MR. SCHLESINGER: I understand.

MR. BABCOCK: One thing I'd like to say is the applicant in discussion about the whole plan the applicant had said that he would make the application to DOT for this crosswalk.

MR. ARGENIO: I should of said that.

MR. MANDELBAUM: We'd be happy to do the design work for Mr. Rosenberg.

MR. ARGENIO: You did tell me that, Mr. Mendelbaum, and I forgot to mention that so we do have cooperation on both sides from the owner across the street and the application.

MR. MANDELBAUM: We'll do the design work on his behalf at no cost to him at all.

MR. ARGENIO: Howard, thoughts about the bus shelter?

MR. BROWN: I don't think we need one.

MR. GALLAGHER: Who's making a request?

MR. ARGENIO: The county, you know how I feel about that.

MR. GALLAGHER: I don't think so.

MR. SCHEIBLE: No, with all the discussion on the buses and whatnot I think we're fulfilling all the needs with the buses. And like you said if they have a vestibule to wait in this building so they don't have to go into the weather and sit there, these bus stations in the wintertime, they're, it's terrible.

MR. ARGENIO: I agree, Mr. Mendelbaum, there will be a designated area in the lobby for this bus pickup that we're speaking of?

MR. MANDELBAUM: Not only in the lobby, you have sitting areas in the lobby plus we have a canopy as you're coming out the building.

MR. ARGENIO: They're being loaded on the bus out of the inclement weather.

MR. MANDELBAUM: Right, the canopy comes all the way to the parking lot with benches so if it's spring or summer they'll sit outside. Let me add something from my experience in all these locations I never seen once anywhere where actually the seniors went to a regular, even in Goshen, which is only about 500 feet away, they never use it, it's nothing but a hang out for kids.

MR. ARGENIO: Mr. Mendelbaum, you're preaching to the choir, I told you guys how I felt about it, I was trying to come up with an alternate solution in case somebody's mom uses the bus shelter down in Queens somewhere five days a week and they're insistent upon it, I was trying to be a little creative. I don't have anything else, you guys have some questions, certainly ask them. I think I covered everything, we've seen this time and time again, Edsall's gone through this with a fine tooth comb.

MR. EDSALL: Can we get fire inspector's couple corrections on record?

MR. ARGENIO: Yes, there were as Mr. Bedetti mentioned earlier this does have approval of the necessary fire district, I don't know if it is the county or Vails Gate whoever needs to approve this has approved it but there are three corrections that were supposed to be done to the plans that have not been done and I'd like you to read them in as part of the minutes, Mark.

MR. BABCOCK: They were just given to the applicant tonight, Mr. Chairman, and he's agreed with all of them.

MR. EDSALL: Just so the record is complete the fire department connection exits onto the south end of both buildings have to be relocated, the fire hydrants incoming.

MR. ARGENIO: To where?

MR. EDSALL: I have the detailed locations marked down but I will review it just as long as we know they have to be relocated. The two hydrants on the site have to be relocated, shifted a bit and the dead-end, fire apparatus all the way in on the drive has to have the radius on both incoming sides at least 28 foot radius

so it matches Appendix D of the fire apparatus access road section of the State Code. I have worked with Barney on that, we'll make sure it's what's needed.

MR. ARGENIO: Okay, somebody take it over the wire if there's any other discussions, I'll accept a motion for final unless anybody has any further comments.

MR. SCHLESINGER: Make a motion for final approval on the Mandelbaum senior housing, New Windsor Senior Housing subject to the comments that you'll read in.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that that we vote final approval for New Windsor Senior Housing.

MR. CORDISCO: The written resolution requires that they make changes that have been discussed here tonight, so if you feel more comfortable just adopting the written resolution that I prepared that it is addressed rather than having to spell out additional--

MR. ARGENIO: I would feel very comfortable with that so the motion's made and seconded to offer final approval to this application and the subject-tos will be part of your resolution. Is that correct?

MR. CORDISCO: They already are.

MR. ARGENIO: I'll have a roll call, if there's no further discussion.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE

MR. ARGENIO AYE

MR. MANDELBAUM: I'd like to thank the board for working with the project and your engineer especially with Mike, I've been with Mike many, many times to get this to this point, I really want to thank you guys for working with us.

MR. ARGENIO: You guys are very responsive and, you know, I think that helps too. It's, you have to be responsive, you can't let things sit for weeks and weeks and weeks, revise it, get with Mark, get things finalized and good luck with your project, sir.

MR. MANDELBAUM: Thank you very much.

MANGIARACINA_SUBDIVISION_(05-17)

Mr. Charles Brown appeared before the board for this proposal.

MR. ARGENIO: This application proposes subdivision of 32 plus acre parcel into four single family residential lots. The plan was previously reviewed at the 14 September, 2005 and 14 November, 2007 planning board meetings. The application is before the board for a public hearing at this meeting. Sir, what's your name?

MR. C. BROWN: Charles Brown.

MR. ARGENIO: Mr. Brown, I almost have this thing memorized, this plan, give us a brief description here then I'd like to open it up to the public. Do you remember this one? Then we'll open it up.

MR. C. BROWN: This is an existing 32 acre parcel to be subdivided into four lots creating three new building lots. There's an existing residence single family on the parcel. The residents will be serviced by individual wells and septic, going to be an R-3 zone, lot size 80,000 square feet, all lots meet or exceed that. This is on Toleman Road right up against Town of Blooming Grove.

MR. ARGENIO: So you'd go out 207, make a left at the storage sheds and go almost to the Blooming Grove line?

MR. BABCOCK: That's correct.

MR. C. BROWN: There's a barn and silo on the site.

MR. ARGENIO: Yes, I'm with you.

MR. C. BROWN: Which needed a variance which we got from the Zoning Board. Approximately half the site contains New York State wetlands, we have one driveway

crossing that goes through that wetland buffer and have, it's been through the process with DEC.

MR. ARGENIO: What does this mean?

MR. C. BROWN: They're ready to sign off as soon as we get the approval from the town.

MR. ARGENIO: No, no, no, no.

MR. C. BROWN: They can't issue a permit until they get a negative dec.

MR. ARGENIO: That's true.

MR. C. BROWN: Negative dec.

MR. ARGENIO: I want to be clear again.

MR. C. BROWN: That's the only outstanding issue with the DEC, this latest set of drawings shows the additional landscaping and the trees along that driveway and the markers that the DEC required as part of their review process.

MR. ARGENIO: Mark, that's correct or Dominic that they cannot, DEC needs a negative dec from us to give them their final?

MR. CORDISCO: That's correct, this is a coordinated review.

MR. ARGENIO: We get to have the final look at this thing after the DEC approves the plan, correct?

MR. CORDISCO: Well, that's what we have to discuss because it's a question of process and how we move forward. There's a number of different scenarios, we could issue a negative dec tonight or issue a negative dec whenever the board is ready to issue and at that

point they can go back to DEC and that would be an item of completeness that they'd need to provide to DEC along with any other technical information that they'd need to provide to DEC. Once that's complete, DEC would be in a position to either issue or deny a wetlands permit, of course if they deny it, you know, we, I mean, there's no subdivision, there's no subdivision cause it's not viable from--

MR. ARGENIO: From DEC point of view.

MR. CORDISCO: That's right or alternatively we could issue a negative dec coupled with a conditional final approval, the condition being amongst other things can be that of course they obtain DEC approval.

MR. ARGENIO: Problem is DEC's getting tighter and tighter and tighter as time goes on and it's conceivable, correct me if I'm wrong, that they could be, DEC could deny the permit.

MR. CORDISCO: My take being a former DEC employee and I've seen the comments that were written on this application, I thought that they received fairly negative comments from DEC but then again, you know, that's what I'm reading but someone else might not. Now procedural issue with issuing conditional final approval--

MR. ARGENIO: I don't want to talk about it.

MR. CORDISCO: There's the 360 days starts the clock and if they don't obtain DEC approval then poof, it's gone.

MR. ARGENIO: Magic. Does anybody have a problem with negative dec? I think there's, I'll accept a motion we declare negative dec under SEQRA.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec on the Mangiaracina subdivision. If there's no further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I don't know that we should, that we can go any further with this, I think, right? We're very sorry. Thank you. Myra, let's do that, can I have the page please? On the 27th day of December, Myra prepared 13 addressed envelopes containing notice of public hearing for this application from a list provided to here by the tax assessor. I'm going to open the public hearing on the Mangiaracina minor subdivision. Anybody here that would like to speak for or against this subdivision or just comment upon it, please raise your hand, I'll recognize you, give your name and address and you'll be afforded the opportunity to speak. Accept a motion that we close the public hearing.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we close the Mangiaracina minor subdivision public hearing on Toleman Road. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. SCHEIBLE AYE
MR. ARGENIO AYE

MR. ARGENIO: Anything else to talk about with this?

MR. C. BROWN: Wouldn't feel comfortable with conditional final?

MR. ARGENIO: No, I wouldn't and I'm going to tell you why, it's because as Dominic said the comments that came from DEC are negative and I don't know how wise it is to do the me-too with the DEC anymore, they're getting tighter and tighter and more fickle with the decisions. Mark, do you have anything to add to those thoughts that I just shared?

MR. EDSALL: No, I think the applicant, no, I think the applicant should know that the other issues have all been resolved that I believe you have gotten, you needed variances, obtained the variances you need so once you hear positive news back from the DEC.

MR. ARGENIO: You're not going to get hung up here, I think that's the message here, it's procedural and I think it's no more than that. Does anybody feel differently about this? Okay, thank you.

MR. C. BROWN: Negative dec would be available?

MS. MASON: As soon as I get it from Dominic.

MR. ARGENIO: Dominic, when is the negative dec available? He wants to run up to New Paltz tomorrow.

MR. CORDISCO: I have to draft it, it will be maybe tomorrow, maybe the next day.

MR. ARGENIO: You can get it by the end of the week when it's ready, call me and I'll make sure I sign it. As I said, the matter of you're coming back here it seems to me based on the input I'm hearing is more a formality than anything else.

MR. CORDISCO: Just so the board knows, I'm sorry but Mr. Mangiaracina had showed me a revised letter from the DEC which removed some of the objections that they previously had stated so the letter that I had read has been updated since then.

MR. C. BROWN: We did address those comments.

MR. ARGENIO: Why didn't you have the letter?

MR. MANGIARACINA: They sent it to me, says Town of New Windsor also.

MR. ARGENIO: I believe you, don't doubt you.

MS. MASON: Last the date on it?

MR. MANGIARACINA: June 27, '07.

MR. ARGENIO: Thank you.

REGULAR_ITEMS:

JOSEPH_FUMAROLA_(07-17)

MR. ARGENIO: Regular items, Joseph Fumarola minor subdivision. This application involves subdivision of the 6.11 acre parcel into two single family residential lots. The plan was previously reviewed at the 27 June, 2007 planning board meeting. What's your name, sir?

MR. FUMAROLA: Joseph Fumarola.

MR. ARGENIO: What do you have for us? I'm going to read a few things here. Lead agency coordination letter sent out 9/11 of '07. I'm going to skip Orange County Planning. Preliminary public hearing is waived 6/27 of '07, field testing for the sanitary disposal system witnessed by Edsall's office, results are consistent with New York State Department of Health standards. SWPPP not required, less than five acre disturbance. Planning board issued lead agency coordination letter 9/11, '07, 30 days has expired. I'll accept a motion we take lead agency under SEQRA.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for the Fumarola minor subdivision. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Seems pretty insignificant to me, if anybody agrees with me, I'll accept a motion that we declare a negative dec under the SEQRA process.

MR. SCHLESINGER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec as it relates to the Fumarola minor subdivision. No further discussion, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Plans are substantially the same as those considered at preliminary final approval. As such, I recommend that the board waive the final public hearing as per their discretionary judgment under Section 274, that's Mark's comment number 4. If anybody agrees, I'll accept a motion to that effect.

MR. GALLAGHER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the final public hearing per our discretionary judgment for the Fumarola subdivision. Roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. SCHEIBLE AYE
MR. ARGENIO AYE

MR. CORDISCO: I have prepared drafts of those resolutions, they'll be provided to you within the next few days.

MR. ARGENIO: What road are you on, 207?

MR. FUMAROLA: 207.

MR. ARGENIO: You have access, right?

MR. FUMAROLA: Yes.

MR. ARGENIO: New York State Department of Transportation consents to the Town of New Windsor Planning Board to be lead agency for subject project, driveway's conceptually approved, should get a work permit, you'll need a work permit to do this, I don't know.

MR. EDSALL: Just for the record, the application was received to the County Planning Department and we did receive comments back.

MR. ARGENIO: Says local determination.

MR. EDSALL: I just want the record to be clear why one item we're not having them change the plan it's because that it's already doing what they're asking us to do, they wanted the driveways to come out at a single access point to minimize the number of curb cuts to Route 207 and in fact, we didn't make them overlap which would constitute a private road, we made them come out immediately adjacent to, it would be one paved apron on the state highway so we don't need to have

them change the plan.

MR. FUMAROLA: I already have that done.

MR. EDSALL: DOT's already approved it.

MR. SCHLESINGER: You can't have the lot line in the middle of the driveway.

MR. BABCOCK: Well, the driveway was paved for the existing two story house and it was made actually too big so they went--

MR. EDSALL: They're going to have to actually push the driveway over enough so when the final plan comes in we don't necessarily--

MR. FUMAROLA: Yes, the existing driveway is there.

MR. EDSALL: They need to widen it.

MR. FUMAROLA: It's just got to go four more feet to the right. We put a really large culvert to control the water flow originally so we made the driveway go over it cause there was a lot of water coming down, there's the big bend with the hill so there's a lot of water coming down that.

MR. BABCOCK: You're the owner of lot 1 also?

MR. FUMAROLA: I live right here so the water comes down off this hill here.

MR. BABCOCK: Applicant owns the lots.

MR. FUMAROLA: We put a large culvert pipe and to cover it we made it wider at one point it was only one lot.

MR. BABCOCK: Right now your driveway's partially on that lot.

MR. FUMAROLA: I have to make it wider.

MR. EDSALL: Or they'd have to grant them a four foot easement looks like so--

MR. FUMAROLA: It's on the proposal that the driveway's moved over, shows it.

MR. ARGENIO: I don't see anything else, I'd like to push this over the wire, I'll accept a motion for final if somebody agrees.

MR. SCHLESINGER: Motion for final approval.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board grant final approval for Fumarola minor subdivision subject to you obtain the highway work permit for the DOT which you have to do anyway, otherwise, they'll shut you down and that all the fees be paid prior to the stamp of approval. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

KNOX_VILLAGE_SENIOR_PROJECT_(08-01)

MR. ARGENIO: Knox Village Senior Project.

Gerald Jacobowitz, Esq. appeared before the board for this proposal.

MR. JACOBOWITZ: My name is Gerry Jacobowitz, attorney from Jacobowitz & Gubits here on behalf of Knox Village. John Folchetti, who's our engineer, Banny Jesudason is our architect, Brian Rosen and Joe Rosen are the principals. Can we put up a couple things on the board?

MR. ARGENIO: I wish you would. Sir, what's the name of your engineering firm?

MR. FOLCHETTI: J. Robert Folchetti & Associates. The property is--

MR. ARGENIO: If I can interrupt you for just one second, please, Mark, I want you to inasmuch as this is I think our second or third senior housing and just briefly for the benefit of the board members briefly explain to them what the procedure is or Dominic, I don't care who, about the review process on these senior housing projects.

MR. EDSALL: Initially, there's a--

MR. ARGENIO: And at what stage this application is at.

MR. EDSALL: There's a submittal made to the Town Board and concurrent submittal made to the planning board. The intent of the planning board receiving the plan is so they can make a recommendation to the Town Board relative to the appropriateness of in their opinion from a planning standpoint the location and compliance so the Town Board can move forward toward consideration of a special permit. That referral back over to the

Town Board has been made, the planning board had made a recommendation, at this point, the Town Board is waiting for this application now, it's a formal site plan application to this board to proceed and once it reaches a point where this board feels it's appropriate to consider a negative dec and in fact they do adopt a negative dec, the Town Board will at that point be able to consider special permit for the senior housing plan and then the applicant will come back to the planning board and seek site plan approval. So this is the first appearance to this board as part of the site plan application but you have seen it previously as part of your recommendation to the Town Board.

MR. ARGENIO: So everybody understands we'll see this a few more times and Mr. Jacobowitz so I understand ultimately tonight what you're looking for from this board is the issuance of a negative dec, is that right?

MR. JACOBOWITZ: We'd love you to do that.

MR. EDSALL: But we're not close.

MR. JACOBOWITZ: We need you to declare intent to be lead agency and authorize circulation to run the 30 days.

MR. ARGENIO: The next big hurdle for you is the negative dec which gets you back to the Town Board, okay, now tell us about your project.

MR. EDSALL: Let me just before Gerry goes on, I did prepare review comments, at this point, I have focused my view on the specific provisions of the senior housing regulations because there are specific bulk requirements, specific provisions about parking, access and different amenities. My comments really deal with just the Section 300-18 of the Town Code which is the provisions and the amenities and the requirements to have a senior housing site plan versus just a plain old

site plan. Once this board and I'm looking for, I've underlined certain things that I want the board to look at more specifically with the applicant tonight once some of the things such as a side yard waiver which is available by code to reduce the side yard based on their specific configuration of the lot. Once all of the issues that I've asked you to look at tonight are resolved I can expand my review and start looking more at the details but I'd like to make progress on just those items if possible.

MR. ARGENIO: Go ahead.

MR. JACOBOWITZ: We would have liked to get the negative dec tonight but I think Dominic would have pushed the button and the trap door would have opened and I would have disappeared.

MR. CORDISCO: Either you or the chairman.

MR. ARGENIO: You or me.

MR. JACOBOWITZ: You're his client, I'm expendable. Okay, the project is located near the Five Corners, this is the Hannaford Supermarket here, our entrance is here, Knox Village is right here, that's owned by an affiliated group of ours that's been a long time market rental project here in the town.

MR. SCHLESINGER: Your entrance is on 32?

MR. BABCOCK: That's correct.

MR. SCHLESINGER: Going south it's south of Hannaford's?

MR. BABCOCK: That's correct.

MR. JACOBOWITZ: Correct, here's the Five Corners and we're headed this way south on 32. We also have

provided for an exit out into Knox Village right at this point so there are two means of access to the property which should facilitate emergency vehicles and the whole traffic flow. Mr. Mendelbaum was here before us, he's been here 60 some days or something, we've been here over three years because when we walked in the door there was no door like this and we worked with the town to help formulate the law that's the one that Mark referred to as the 300-18.

MR. ARGENIO: Thank you for bringing that to my attention.

MR. JACOBOWITZ: So if there's something wrong with the law I've got to take some responsibility for it but we think it's a good one, we think it's gone let the town accomplish a lot of what they want to accomplish. We're glad to be part of it with this project. So it's 183 units and I'm going to let Banny explain the site plan and the architectural aspect and then John will talk something about the engineering issues and then questions I think you may have questions and I think what Mark has got in his letter are things we may try to address also.

MR. JESUDASON: Thank you for giving me an opportunity to explain this project. Gerry's already given you some indication of the context, we had this project location, we saw this property in the context of other projects around this area and this is going to show a little more this detail what we have completed in this long narrow site. This is the main access from the main road and the first as you enter we have a club building with a swimming pool and other amenities and this property also happened to have wetlands and we're very sensitive to the ecosystem and we don't want to disturb as much as possible so we located eight apartments or dwelling unit buildings in this property and they're laid out in groups and provided sufficient traffic access to all these units and also provided

each cluster has some main feature, for example, these three units have a tennis court in the middle so people can have a nice view all around the apartment building. And we move to the next one we have another building located here and this also has a park-like setting, an area where the people can come out enjoy the outdoors. And then in the next group we have two buildings and here also we have in between the two buildings we have another park-like setting with a gazebo and here what you see here is another wetland area so we left it as it is without disturbing that and then in the next group we have another two buildings, again, between these two buildings we have created a sitting area. Rather important feature that we have accomplished here is we have the road network is all around the building so in case there's a fire or the fire truck has to come into this facility.

MR. ARGENIO: How wide is the road?

MR. JESUDASON: It's 24 feet wide road.

MR. ARGENIO: I believe they look for 30, don't they, Mark?

MR. BABCOCK: Well, not necessarily, Mr. Chairman, the 30 is the fire lane so I'm not sure what they're going to call a fire lane here so they'll, I think there's some comments in the file right now, they were meeting today in my office in reference to this project so there's probably some comments somewhere around from the fire inspector's office.

MS. MASON: Yes, they're in here.

MR. JESUDASON: And all these buildings have adequate parking around that and three buildings in addition to this parking also have a lower level parking and these eight buildings are three story buildings and each floor this is the elevation of the building that we

have created, all the units in this buildings there are eight units in each floor and all the units have balconies so people can from their each unit they can come and sit outside and enjoy the outdoor area and the view and we have two bedroom units and one bedroom units and there are eight units in each floor and these show some of the layout of individual units, the corner units have bedrooms on the corners so they have a nice view outside and this particular one has a living and dining on the corner which has a good view outside and I have explained the layout and that's the general description of the project.

MR. ARGENIO: Thank you.

MR. FOLCHETTI: John Folchetti. I'd like to talk, just fast overview on three issues, water, waste water and storm water as general things because we need to get some of these flow issues ironed out with the town engineer. There's a ten inch water line that comes down here and feeds Cornwall, there's a water meter pit on our side of the property line and what we'd like to do is build another bigger pit on the south property line, allow Cornwall to take their meter off that and make our loop off the northerly pit and switch the meter numbers. Right now, our proposed average day demand for water consumption is 22,000 gallons a day. We base that on the consumption rate for Knox Village and on a single bedroom ratio. Knox Village has 318 units, 554 bedrooms, we're proposing 183 units, 327 bedrooms on a 12 bedroom mix, so the ratio on Knox Village is about 1.75 bedrooms per unit, down here is 17.79, they're using 120 gallons per day per unit, we'd like to propose that--

MR. ARGENIO: You're giving us too technical of an overview right now.

MR. FOLCHETTI: I'll call you about that.

MR. EDSALL: Just my comments noted that I will get into flow rates and all that later and I also have met with the Water Superintendent, your proposal for re-orienting the meters won't work because that meter is subject to New York City DEP approval and it's been about two years we're waiting for them to approve what's there now. We'd need to keep that right where it is because I don't want to spend another three years, bottom line is we have some things once the board gets the layout concept we have a lot of work to do.

MR. ARGENIO: I think the internal water mines and this facility are required to be 12 inch, didn't we have that discussion less than a year ago you and I about--

MR. EDSALL: Commercial needs to be 12 but this is multi-family so they may need a 12 inch feed but the internal distribution could probably be eight.

MR. ARGENIO: If you only have a ten there should been no requirement for a 12 here, should there?

MR. EDSALL: They need to effectively run a main back to the town system and not use the line that feeds the Cornwall district so it's a different issue.

MR. ARGENIO: Go ahead, sir, I apologize for interruption.

MR. JESUDASON: I'm writing notes, all right, generically, waste water, site slopes from west to east, there's another sewer easement over here on the east side of the property that we'd like to tie into, storm water we originally decided to attempt to store we're going to store in an attempt to ameliorate, attenuate some of the discharge subsurface, we conducted soil tests and the plans reflect that storm water plan that's presented here right now was based on future subsurface or investigation, we did that

investigation subsequent and that's not gonna work so we're--

MR. ARGENIO: Wait a second, you don't have perc there?

MR. FOLCHETTI: That's what I'm telling you.

MR. ARGENIO: You're kidding me.

MR. FOLCHETTI: No, it's unbelievably awful.

MR. ARGENIO: Okay, fine.

MR. FOLCHETTI: So without getting too technical we'll come back to Mr. Edsall and discuss those issues, that's the fast overview on the utilities, if you have questions I will entertain them.

MR. ARGENIO: I have two very quick questions, you said you're not going to have subsurface water treatment, is that right?

MR. FOLCHETTI: No, I said we're not going to have subsurface attenuation, we're still going to have our detention and all of our attenuation subsurface is under the paved areas so we don't disturb more of the site than necessary.

MR. ARGENIO: Okay, I like that, that's good.

MR. FOLCHETTI: We hoped you liked it.

MR. ARGENIO: I do. How many wetlands are you hitting?

MR. FOLCHETTI: The only place we're going to need wetland remediation is on the main road because this ties up right across this entry point.

MR. ARGENIO: I don't mean to be a wise guy but that's not what I was asking. How much wetlands are you

impacting? I see what I think are three locations.

MR. FOLCHETTI: Correct.

MR. ARGENIO: How much is that?

MR. FOLCHETTI: Total wetlands acreage?

MR. ARGENIO: Well, it's about--

MR. FOLCHETTI: The regulated wetlands is 1.09 acres total for those three distinct areas on the site.

MR. ARGENIO: You need a permit for?

MR. FOLCHETTI: None of them are DEC, they appear to be corps wetlands so the disturbance of the wetlands is going to be subject to a corps application but because the area is 500 square feet.

MR. CORDISCO: Yeah, as long as they're under half of an acre they still have to file what's called a pre-construction notice with the corps, they'll be covered under a nationwide permit, that's correct.

MR. ARGENIO: He's so smart.

MR. FOLCHETTI: He is. Do you have anymore questions?

MR. ARGENIO: You're in good shape. I think that everybody here on the board has got to get used to when these applicants give us the opportunity to look at the plans we need to take a look at them even more so than just at a quick meeting. At least I know with the Mendelbaum property I've seen that drawing a hundred times outside of planning board meetings at different discussions I've had and stops at Town Hall, we should do the same with this application, other ones that come before us. One thing comment I would make is is there sufficient clubhouse space given the amount of square

footage of buildings we have? I don't think I'm looking for an answer right now, Mr. Jacobowitz, just a comment.

MR. JACOBOWITZ: Mark says we're 460 square feet less than we should by arithmetic calculation.

MR. ARGENIO: So there's an arithmetic calculation contained in the code?

MR. JACOBOWITZ: Yes.

MR. EDSALL: But I think there's also you had some space in the individual buildings so I think it's just a matter of totaling it because it's indoor community space so there's, that's what I'm saying they need to give you that schedule and you all have to agree it's okay.

MR. JACOBOWITZ: We need 3,600 and some square feet under the code, we're at 3,200 in one area and Mark's comment is do we have other areas that qualify and we have to look at that.

MR. ARGENIO: Okay, the second thing that I would comment on and I don't mean to piggy back Mark Edsall but we do kind of think alike sometimes, I'm going to read his comment, the plans include tennis courts and outdoor pool at the clubhouse. Board may wish to inquire regarding passive recreation, i.e., walking paths and benches, et cetera. I think it's a capital suggestion, very good suggestion, I think you should consider that Mr. Jacobowitz this land currently is raw, untouched land.

MR. JACOBOWITZ: Yes, yes, it is, well, you saw it from the aerial, the entrance is here, it's 50 feet and there's a house right here, the house here, Hannaford's is here and then over here is Advanced Auto there's a house.

MR. BABCOCK: There's a couple foundations.

MR. JACOBOWITZ: House here and house here, excuse me, that's Advanced Auto right there and the town line is here, you're familiar with the fact that this property used to be in both towns.

MR. ARGENIO: I'm very intimately familiar.

MR. JACOBOWITZ: So now the town line follows the boundary of the property that made life a lot easier than trying to be back and forth to both municipalities. The 35 foot issue we need 50 feet under the code, we don't quite make it right here and we do make 35 feet and we could have a variance as much as 50% which would be 25 foot, we're showing 35 so we do need a little relief and it's right in this spot right here and you can't quite see it clearly from this, we need an area for driveways.

MR. ARGENIO: Sheet G2.

MR. SCHLESINGER: The access is limited by the wetland, you have 30 foot fire lane which is disrupted, right, it's not a complete loop.

MR. JACOBOWITZ: Right here you mean? No, it doesn't go through, you come in from both sides.

MR. SCHLESINGER: You can come in from the one side, come in from the other side but you can't continue.

MR. JACOBOWITZ: That's correct.

MR. SCHLESINGER: I'm sure this is going to be reviewed by fire but, you know, that could be potentially a problem.

MR. JACOBOWITZ: We'll take it up with them and see how

to resolve that. Also interior there's sidewalks in the interior of the property and we have provided for 30 foot wide road area of which 24 foot is paved, so we think we're going to be okay on the 30 foot requirement with that but we'll need the waiver on the 50 foot side yard for that limited area, hopefully, we'll be able to satisfy the issues that would allow you to recommend that because that decision is made by the Town Board the way the statute's drafted. Any other questions that we can field tonight?

MR. ARGENIO: Henry Scheible just whispered in my ear said the site is very busy. I tend to agree with him.

MR. JACOBOWITZ: Well, the green area's 52 percent, the area that will be green and I think we've got a plan that shows that. We've got a lot of landscaped areas.

MR. ARGENIO: I don't think I doubt on that, what's that area just to the east of the clubhouse that area?

MR. JESUDASON: That's a wetland, this and this is a wetlands.

MR. FOLCHETTI: It's also the aqueduct and power easement.

MR. JESUDASON: And this drawing shows the open space, the green area shows the open space which is 42 percent.

MR. JACOBOWITZ: Forty-two, sorry.

MR. ARGENIO: Do you guys have an copy of Mark's comments?

MR. JACOBOWITZ: Yeah, we just got it.

MR. ARGENIO: Just want to direct your attention, the architects and the engineers, to comment 3, bullet 1,

the submittal drawings 209 total 20 sheets numbered blah, blah, blah, the thrust of it is drawing G2 is a preliminary proposed site condition, site plan at a hundred scale for this plan is worthwhile, general layout reference plan for the overall project but is an inappropriate scale for detailed site plan. We'd like to get something around a 30 scale even a little more is not a problem, even 40 is not the end of the world.

MR. FOLCHETTI: We can do that, it's not an issue, we're good.

MR. EDSALL: That's the one I'm looking when you start doing dimensional issues.

MR. JACOBOWITZ: Okay.

MR. ARGENIO: You don't even want a 50, okay, what else do you guys have?

MR. FOLCHETTI: Just to comment on the busyness of the site we have left the easterly portion of the site untouched cause that's the steepest slope coming down to the Moodna Creek and what we want to do is leave this line of vegetation in that area of the site undisturbed in order to provide a screen on each side of the facility.

MR. ARGENIO: What are you screening from, the creek?

MR. FOLCHETTI: The creek and I think that Knox Headquarters maybe cause it's northeast of us so we're trying to leave that vegetation.

MR. ARGENIO: Do we have a historic issue? They're outside that overlay, aren't they?

MR. EDSALL: You only have a historic issue if you believe this would impact the site lines so they're addressing it even though you haven't raised it.

MR. ARGENIO: I don't believe that, okay, that's fine.

MR. SCHEIBLE: Is there accessibility into this project, the project hasn't started yet but into this area is there anyway to walk in there right now, is it all just barren?

MR. BABCOCK: Yeah, you can go there, I could take you there.

MR. SCHEIBLE: I'd like to see it.

MR. FOLCHETTI: For the site work?

MR. SCHEIBLE: Yeah.

MR. FOLCHETTI: Sure.

MR. ARGENIO: Mr. Jacobowitz you'll take Henry to the site on a site visit?

MR. JACOBOWITZ: Sure.

MR. SCHEIBLE: I'd just like to visualize this area.

MR. JACOBOWITZ: DiMicelli is the owner in the front.

MR. BABCOCK: It's the only house left, Mr. Chairman. Mr. Jacobowitz was talking about number 2, the second waiver side yard, that waiver is done by this board, not the zoning board.

MR. ARGENIO: I'm not twisted up about that, I don't think anybody here is twisted up about it, that's why I kind of glossed over it.

MR. BABCOCK: What they really need at some point I don't know if it's tonight but if this board is going to consider that waiver they can continue with this

plan if they're not this plan must change which is going to change everything.

MR. EDSALL: Just procedurally on the waiver the way the code is set up the Town Board must include the waiver in their special permit and then as part of your approval you have to include the waiver as well so--

MR. CORDISCO: Both boards have to confer and/or at least agree and as to whether or not the waiver should be issued. For tonight's purposes, it would be helpful if you would have a discussion and a consideration and perhaps even express an opinion as to whether or not you would consider the waiver so that way we can move forwards with the review.

MR. EDSALL: Section 2 says a waiver must be considered by the planning board for setback subject to the following and the first subject is that the Town Board included it in their special permit so ultimately your final approval has to include the waiver but I think it would be fair to let the applicant know your take on it as it may be.

MR. ARGENIO: We're going to have, at what point is it appropriate to have a public hearing on this application?

MR. EDSALL: I think the next step in all honesty looking at my comments I really think you need to consider the last bullet on comment number 2 which is working with the applicant to decide what amenities as far as accessory operations, accessory uses are included. You have more participation in that discussion cause there's over a hundred units, I think that's important because I think the applicant will want to as it may be explain those amenities or tie those amenities in as part of their public hearing.

MR. ARGENIO: Well, you know what, I have two things

there relative to that, I told you I'm not twisted about that side yard business but I'm only one member, the other guys have, certainly have commentary on it. But suppose there's a member and owner of the lot next door who's got something going on right adjacent to that and he has a valid reason for having a problem with that and we advise this applicant that, you know, it's okay, this board is okay.

MR. EDSALL: You're not voting on it.

MR. ARGENIO: You want us to give them a flavor. Let's just assume for this discussion that the flavor is favorable then at some point in time at a later date we're put in the unenviable position of an owner rightfully so or not having a problem with them having that variance, I mean, that's, I don't want to be put in that spot.

MR. EDSALL: And unfortunately just the sequence, the way the law's written the Town Board has to okay that waiver before this board can include it in their approval.

MR. ARGENIO: Does anybody else have a problem with that?

MR. SCHLESINGER: I agree, that's a good point.

MR. ARGENIO: I don't have a problem with the side yard but if somebody shows up next door they have a problem with it and they have a valid reason, it's an issue.

MR. CORDISCO: That's why you wouldn't want to grant it tonight.

MR. ARGENIO: That doesn't mean any issue somebody could dream up is a problem.

MR. JACOBOWITZ: I understand you want to be able to

give somebody a fair hearing if they come in and they have a legitimate point.

MR. ARGENIO: Said it very wisely.

MR. JACOBOWITZ: But the neighbor is Cornwall, it's not a New Windsor resident, that doesn't mean you shouldn't give them the same attention than anybody else but what's over there?

MR. ARGENIO: I don't know.

MR. JACOBOWITZ: It's adjoining Chestnut Woods subdivision.

MR. EDSALL: Your other client?

MR. JACOBOWITZ: No, he's not my client, Chestnut Woods is not my client.

MR. EDSALL: Just kidding.

MR. ARGENIO: That would be good.

MR. EDSALL: It's happened.

MR. BABCOCK: We talked about Chestnut Woods and the infrastructure with the water, that's the one that's adjacent to this.

MR. ARGENIO: I don't know the answer to the question.

MR. JACOBOWITZ: They can come and object, they wanted a height variance for their project and so, you know, I don't see it's a real issue here because we don't have a bunch of homeowners, we have a lot of homeowners over here right here, that's where we've got a lot of single family residential homeowners over there. Here's us and this is Chestnut Woods so I don't see we've got a problem with that.

MR. EDSALL: It's a similar use, it's another multi-family project.

MR. ARGENIO: No problem.

MR. JACOBOWITZ: There's nothing here now, it will be Chestnut Woods when and if it's built so and that's one of the reason we've got a heavily landscaped area along here to provide screening for that adjoining residential.

MR. ARGENIO: I think we answered the question about the side yard business, Dominic, what else did you recommend we think about and consider tonight?

MR. CORDISCO: Well, that I think was it in terms of or was there anything else?

MR. ARGENIO: I want time, Mr. Jacobowitz, I will be very frank with you and your Mr. Rosen has done a lot of good development in this town, I know his name goes back a good many years long before me.

MR. EDSALL: You asked me a question when should they have a public hearing. The next step we need to work with Gerry to make sure all the SEQRA information that would need to be available we need to have the SWPPP available, we have a traffic study has already been submitted.

MR. CORDISCO: Yes.

MR. EDSALL: So that when you have the public hearing no one could ever say all the information wasn't available so once we're there I think the plans we need to have the 30 scale drawings, other than that, there's a heck of a lot of good information here already.

MR. ARGENIO: To that end which I was just saying I

gave Mr. Rosen a compliment and what I was leading into from that was that there is a lot of bullets here and I want before we offer in my opinion before we offer specific commentary on some of these things that you have requested guidance on, Mark, I'd like the members to have a chance to look at these plans and consider these plans and I myself I know would like a chance to look at the plans and consider the plans. I gave you my initial reaction is that I think the people need a place to walk and I think the site's a little busy but I'd like to have a chance to sit and digest and look at it, I don't think that's unreasonable.

MR. JACOBOWITZ: We're asking that you declare intent so we can get the 30 days running so we get passed that then when we come back to you we have, we'll have addressed a lot of what's in Mark's letter and satisfy a lot of the issues he's raised there and you'll have had a chance to study this--

MR. CORDISCO: It's totally appropriate to circulate for lead agency.

MR. ARGENIO: I'm okay with that, these other things are on my mind and I want to get them out of there. Danny, do you have anything else?

MR. GALLAGHER: No.

MR. SCHEIBLE: No, just like you said, I'd like to, this takes a lot of swallowing here to digest this.

MR. ARGENIO: I will accept a motion we circulate a lead agency coordination letter.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that

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the Town of New Windsor Planning Board circulate lead agency coordination letter for Legacy Woods subdivision. No further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. JACOBOWITZ: Thank you very much. You have given us a lot of guidance and we know what we've got to do to come back and satisfy your questions so thank you.

DISCUSSION

SLEPOY_-_FORMERLY_PIZZA_HUT

MR. BABCOCK: The Pizza Hut in Vails Gate, the owner of the Pizza Hut has got a new client, what's the name now, Sonic Hamburgers or whatever, and his problem is he has a two year with Play It Again Sports, long and short of it the property will fit with both of the buildings on it, he's got a little site plan here with additions from additional parking that drops off in the back. What he doesn't want to do is build this parking back here. What he would like to do is bond it do something but he wants to know how the planning board would feel about that and keep the Play It Again Sports building for a period of two years and when the Play It Again Sports building comes down he puts the rest of the parking in where the building is.

MR. ARGENIO: That's a tricky thing.

MR. SCHLESINGER: I'm not sure I understood that. Pizza Hut is--

MR. BABCOCK: They're going to tear Pizza Hut down and build Sonic next to the Play It Again Sports two years they tear the building down.

MR. SCHLESINGER: Somebody has a two year lease.

MR. BABCOCK: Two year lease.

MR. SCHLESINGER: Why doesn't he buy them out?

MR. BABCOCK: He doesn't want to. What I suggested to him he keeps both buildings, puts the parking lot in and keeps both buildings just another tax revenue.

MR. ARGENIO: Suppose two years from now the guy tells us to go pound salt, I'm not building it, are we going

to go cash his bonds and build the parking on his property for him? Mark, talk to me, I want to work with him, I certainly, just what we need, another eatery in Five Corners.

MR. EDSALL: They should come into the workshop, between Mike and I--

MR. BABCOCK: He wants to get an idea which way--

MR. ARGENIO: The problem I have, Mike, is with the bonding the parking, suppose in two years from now he says look, it doesn't work whatever or he dies and now his niece has the thing and we're going to go on private property and build a parking lot again.

MR. BABCOCK: I got the answer simple.

MR. ARGENIO: He's got to come up with something a little better, wasn't he talking about--

MR. BABCOCK: Sonic came along.

ARYAN_INC._(PREET_DELI)

MR. EDSALL: Preet Deli, Aryan, Inc. Route 207 across from Stewart. In the back of that site there's a separate freestanding building that this board approved as a auto rehab rental, various uses related to used cars.

MR. BABCOCK: Detailing.

MR. SCHLESINGER: That's the building in the back that's Jimmy's building?

MR. EDSALL: Yes, auto rental was one of them. The applicant asked if they could partition off, create a separate piece of the front building to be an auto rental office that would be the office for the building in the back rather than have the office in the back building.

MR. SCHLESINGER: They'd have street exposure.

MR. EDSALL: Yes, the outside improvements would be zero because they would effectively just be splitting off and changing it from retail to office, same parking requirement in the code, I said I didn't really see any issue with it but then--

MR. ARGENIO: Are they going to engage in the auto rental business?

MR. EDSALL: Yes.

MR. ARGENIO: That use is permitted in that zone.

MR. EDSALL: It's approved in the back, they could do it in the back with the approval you already gave.

MR. SCHLESINGER: Just want an office in the front.

MR. EDSALL: You have already approved the mixed uses to include that they want to put the office in the front rather than the back. The only thing that was a spin we want to reserve three parking spaces only for their parking and I said well, that might be a little issue too because the planning board generally believes that these are overlapping use of parking spaces so that one use doesn't capitalize spaces and we don't end up with every site in the Town of New Windsor with--

MR. ARGENIO: I wouldn't get twisted about that and the reason is there's plenty of room in the back, isn't there?

MR. EDSALL: That's where they're going to have nine rental cars so--

MR. ARGENIO: Again, let me ask you a question, how many rental cars?

MR. EDSALL: I have no idea.

MR. ARGENIO: What's the fire inspector going to say if 75 cars show up on the lot?

MR. EDSALL: That's why we're here to see if you want to see a site plan.

MR. SCHEIBLE: When you say rental cars, are we talking about a Hertz?

MR. EDSALL: They have not disclosed, they have it authorized but it's geared toward maintenance detailing.

MR. SCHLESINGER: They're not operating now as a rental place but it's a permitted use in the back?

MR. EDSALL: It was part of what this board approved but they did not to my knowledge show an outside

parking lot with all these cars.

MR. GALLAGHER: So they have to come back in front of us if we already approved the use.

MR. SCHLESINGER: We approved it already so we can't, that's a done deal.

MR. EDSALL: Well, I don't know that you approved 100 cars squeezed into the back.

MR. SCHLESINGER: If they're operating a business there now and it's parking for customers, right, where are they going to park all the cars they're going to rent?

MR. EDSALL: They're going to park them in the spaces where it used to be for the business of detailing, they're changing uses but one of the uses that was already approved.

MR. ARGENIO: I'm not real twisted about it and I'll tell you why I'm not is because it's a use that's already permitted for the parcel and I know this from experience they show up with, I can't imagine they'd do this, but if they showed up there with a hundred cars, pick a number that won't fit in the lot, 50 won't fit in the lot, follow me on this, guys, tell me if you think my logic is bad, if they show up with a number of cars that don't fit on the lot and they jam them in like sardines the fire inspector will have them twisted up in a knot so fast it will make their heads spin. Is that correct?

MR. BABCOCK: That's correct, I don't know if we go to the extreme of counting cars we want to make it safe.

MR. ARGENIO: If it's unsafe it will become a problem.

MR. SCHEIBLE: Set a limit, you would have to go in there and measure what you could possibly pack in there

and set a limit.

MR. SCHLESINGER: There's other people operating in the back also.

MR. GALLAGHER: There's apartments, isn't there?

MR. SCHLESINGER: There's other people operating back there also so it's not just one person operating there, the other people are gonna put up a stink if there's a hundred cars for rent back there.

MR. BABCOCK: Well, I think there's some unknown here if they're going to have 500 or 50 cars so I think they either need to give us more information or come before the board.

MR. ARGENIO: I don't think what needs to happen because this is a permitted use already, look, I don't want to turn it into brain surgery, I think it's a question of getting a little bit more information that's what I think it is, it seems to me.

MR. BABCOCK: Have them come in here.

MR. EDSALL: You can ask them to take the currently approved site plan and red line it with a layout just so you get a feel for what they're doing.

MR. ARGENIO: Yes, do you agree?

MR. SCHLESINGER: Yes.

MR. ARGENIO: That's perfectly reasonable. I also don't want to burden Barney Bedetti with things that we should be taking care of. You're not afraid to tie guys up, people start storing cars for the Newburgh Auto Auction on their lot Barney's there, he's got them shut down.

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MR. BABCOCK: If they were to come in here and say to the board they're only going to have 50, it goes on record, we put it in the file.

MR. ARGENIO: They show us that 50 fit.

MR. BABCOCK: And they have 60, we have something to go by.

MR. ARGENIO: Let's do that, okay, Mark?

MR. EDSALL: Yes.

MR. ARGENIO: Next?

GLOBAL_(MOBIL)

MR. EDSALL: Next one is Mobil Global down on River Road came in and the facility that's on the west side of River Road which is the filling facility they're extending the canopy, I believe I'm looking on some plans I believe 20 feet and they went in for their permits and approvals from the building and fire inspectors and the question came up do they need a site plan? Candidly on the back of the island the canopy it's the side toward the hill, I don't think that anyone would even notice the difference with 20 foot of canopy being extended.

MR. ARGENIO: You guys would tell us there's no setback encroachment?

MR. BABCOCK: Right, we'll take care of that.

MR. EDSALL: I would believe that we could refer this back to the fire and building inspector's offices and say no site plan required.

MR. ARGENIO: I'm okay with it. You guys okay with it?

MR. SCHEIBLE: I have no problem with it.

THE GROVE

MR. ARGENIO: Last thing The Grove, tell these guys about The Grove, Mark.

MR. EDSALL: The Grove got their site plan approvals several years ago and at this stage in their life they found out they needed to file plans with the Orange County Tax Map Department so that they can get tax map numbers for all the condominium units. And one of the requirements is that they have a plan stamped by the planning board. The catch 22 they're in is that the plan that you stamped already is now old and stale that they can't file it so they wanted you to stamp all the new plans that they have recreated which includes floor plans, building elevations and the like. And I quickly disposed of that theory because the planning board doesn't stamp floor plans. But what we have worked out is that the front two cover sheets of the full set have just the layout of the buildings and the roads and show the units kind of broken out how many units in each building so it's a very basic just layout plan. I'm suggesting that the board authorize the chairman to sign it with the plans both sheets including a note saying this individual drawing represents a general overall layout plan for a multi-family site plan reviewed and approved by the Town of New Windsor Planning Board. This application 05-201, this drawing is for general layout reference only for complete set of detailed plans approved which reflect the detailed requirements of the project. Please refer to the plans on file at the Town of New Windsor Town Clerk's office for such project with original stamp of approval from the planning board. Basically says those two plans are worthless unless you go look at the other ones which is we're in a catch 22, they need it, we have to help them out I guess.

MR. ARGENIO: Anybody take exception to that? That language was crafted by Mark and Dominic together so

two smart guys came up with that and wrote it.

MR. CORDISCO: Yes, I have one issue actually regarding The Grove and in the spirit of full disclosure--

MR. ARGENIO: I wait with bated breath.

MR. CORDISCO: In the spirit of full disclosure, our office has been engaged by not K. Hovnanian the builder but K. Hovnanian the mortgage company. K. Hovnanian when they sell their units up there they also offer mortgages to the buyers on favorable terms and they have approached us about representing them in connection with closing those mortgages and we have agreed to do that, the mortgage company's not before the board, The Grove itself predated my time with the board and so it's not as if they're back before us or they have been, mortgage company would have been before us, I don't believe it's a conflict, but I didn't want anyone to question their, they start having closings at my office, I didn't want an issue.

MR. ARGENIO: If we have to preclude anybody from being on a board or an official in this town they had to preclude themselves from, recuse themselves from voting, deciding or working with anybody else they have ever done business or currently doing business with in this town this room would be a lonely place at those official meetings.

MR. CORDISCO: I understand but I just didn't want there to be any issues.

MR. EDSALL: Myra, you had two things you wanted to add?

CARDAROPOLI

MR. BABCOCK: I have one, Nick Cardaropoli, 9W, Union Avenue triangle piece, big hole, wants to put his power lines overhead instead of underground. I asked him for a sketch of how he was going to do that and this is what he give me two little orange lines there for these two buildings. I guess this building is going to run on a generator cause it has no utilities, I'm not sure how he's going to operate that one but--

MR. ARGENIO: Mike called me and asked me about this guys and I said I don't think it's a problem down there, I don't think it's an issue but I don't want to have him do something and we find out later it's a--

MR. SCHEIBLE: Why doesn't he want to go underground?

MR. BABCOCK: Probably money and he's talked to Central Hudson, they don't have an issue with it is what he's told me, we'll have to verify before that happens with them but it's surrounded by utility lines, it's just poles.

MR. ARGENIO: What I have said to Mike I don't think it's a big deal, have him mark a drawing so we can have a look at it and put something in the file and share it with everybody so we're all on the same page and that's why he's here.

MR. SCHEIBLE: Just curious, you said one building is going to be run by a generator?

MR. BABCOCK: Well, the plan must have been folded like this when he put it so he didn't, he forgot to put the yellow line to the third building, that's why I said there's no power, must be a generator. No, I'm sure he's going to put power into that building also.

MR. ARGENIO: Figure it out with him and put that plan

as part of that application and file it in Myra's office.

2008_PLANNING_BOARD_SCHEDULE

MR. ARGENIO: I'll accept a motion we approve the 2008 schedule as written for Myra's benefit, please.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Motion for adjournment.

MR. SCHEIBLE: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer (2/15/08)